

MINUTES
CITY OF RIVERSIDE
CITY PLANNING COMMISSION
1,879th Meeting



6:00 p.m. April 7, 2005
COUNCIL CHAMBER, CITY HALL
3900 MAIN STREET

**MINUTES APPROVED AS SUBMITTED AT
THE JUNE 9, 2005 MEETING**

COMMISSIONERS PRESENT: Agnew, Brown, Comer, Densmore, Kurani, Norton, Singletary

COMMISSIONERS ABSENT: Leonard, Stephens

STAFF PRESENT: Gutierrez, Planning Director
Aaron, Principal Planner
Jenkins, Senior Planner
Milosevic, Associate Planner
Brenes, Associate Planner
Smith, Deputy City Attorney
Andrade, Stenographer

THE FOLLOWING BUSINESS WAS CONDUCTED:

Vice-Chair Densmore reconvened the meeting at 6:00 pm.

The Pledge of Allegiance was given to the Flag.

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H. **PUBLIC HEARING - 6:00 p.m.**

18. **PLANNING CASE P04-0178:** Planning Commission review of the General Plan 2025 Program and related Final Program Environmental Impact Report (SCH NO. 2004021108). The General Plan 2025 Program consists of the following components: 1) the City of Riverside General Plan 2025; 2) the comprehensive revision of the City of Riverside Zoning Code (Title 19 of the Municipal Code) and the rezoning of properties to reflect new zone names; 3) the comprehensive revision of the City of Riverside Subdivision Code (Title 18 of the Municipal Code); 4) the Citywide Design Guidelines; and 5) the Implementation Plan.

Vice-Chair Densmore announced that tonight's meeting will continue the series of public hearings which have been held over the proposed changes to the General Plan and Zoning Code. The focus of this meeting will be the Residential Zoning Code. Staff will make a presentation on a couple of past items as part of the learning experience that the Commission and the audience is going through, there will be time for the Commission to ask questions and the remainder of the time will be for public comment. He asked that their comments pertain to the Residential Zoning Code.

Ken Gutierrez, Planning Director, thanked everyone for attending tonight. He said that at the last two meetings they tackled the General Plan chapter by chapter, took testimony and answered questions. Tonight staff will present an overview of the Zoning Code. Some of the topics will be familiar to everyone, they were addressed as "hot" items before. They are now being brought forward within the context of the entire General Plan 2025 and focus on the Residential Zones. He elaborated on Vice-Chair Densmore's comments in that staff has been listening, and based on the comments at previous meetings, staff will be presenting recommendations that are different from the original document. He introduced Diane Jenkins, Senior Planner.

Ms. Jenkins stated she would go through the first four Articles quickly and focus on Article V, the Residential Zone. She stated that the document was written in 1956 and has been amended many times over the years causing the document to become disjointed. Staff is trying to create a user friendly and modern document, reviewing the appropriateness of the Zones and existing processes. As a result of the public testimony staff is proposing to leave Article III, Nonconforming Provisions, as it is in today's existing Code with regard to shortening the length of time to discontinue a nonconforming use. A change that is proposed is to allow the City Council or Planning Commission to consider revoking nonconforming rights only for the most egregious cases, at a public hearing for which findings must be made. Another proposed change is to allow the expansion of a nonconforming commercial use through a Minor Conditional Use Permit rather than full Conditional Use Permit. Article IV, General Zoning provisions, is where the Zoning map is actually incorporated into the Zoning Code. She reviewed the proposed Zones and the changes recommended by staff.

Vice-Chair Densmore noted that there were some Residential Zone changes that were logical, R-1-65 to R-1-7000 but he wasn't sure why HR goes to RE and whether or not there are specific changes that go along with the name change. If it is just a name change, why not leave it?

Ms. Jenkins explained that in the HR Zone (Horse Ranch) is only in a few areas in the City. It was intended to be strictly a horse ranch zone where horses were allowed to be kept. The areas in the City of Riverside which currently have this Zone actually were developed under tracts that have Covenants prohibiting them from having horses. These properties were never allowed to take full advantage of the Horse Ranch Zone. Therefore, staff is recommending the rezoning of these properties to RE - Residential Estate. This Zone is new and has a 1 acre lot size minimum, very similar to how these properties are developed. The same with RA -

Residential Agriculture, these properties are 1 acre lots and do not necessarily have agriculture on them at this time and are more appropriate for the Residential Estate Zone.

Vice-Chair Densmore summarized, for his perspective, that there were some changes which are not necessarily numerical or logical but do, in fact, entail a change in the underlying allowances or permitted uses of the property.

Commissioner Brown spoke regarding the HR - Horse Ranch and asked if in the renaming of these existing Codes was there any change in criteria for having horses. Did anyone lose the right to have horses in changing the Zone to RE?

Mr. Gutierrez stated that he could not speak for certain. He knows of two HR Zone areas in the City. One is up off of Alessandro in the Coronet general area. This area, as mentioned earlier, does have CC&R's precluding the keeping of animals. The other area he knows of is on Ruth Way off of Highridge near Washington and Bradley. There is probably 20 homes there which are currently allowed to keep horses and would not be allowed under this provision. He stated, however, that they would maintain nonconforming rights if they desired to keep their animals. He pointed out that there is another provision in the Zoning Code that speaks to animal keeping that needs to be brought out. Currently, animal keeping is allowed on any R-1 lot that is 1 acre or larger. The draft Code proposes to take away this provision so that lots of 1 acre or larger would not be able to keep animals just because they are residential. Through the review process, there was concern about incompatibilities and that animal keeping should be reserved to designated areas which is what staff is trying to accomplish.

Commissioner Brown stated that during the CAC meetings, there were lengthy discussions on the need for equestrian trails in that area. He was concerned that in renaming HR to RE the properties would lose the right. If you say no, that is fine but if not then it is something that should be discussed.

Vice-Chair Densmore asked if someone who has an R-1 currently, even though they are not keeping animals, will they be notified that they no longer will be able to have animals. Will this change be explained to them?

Mr. Gutierrez replied that staff would not provide specific notification. It is very difficult to identify those 1 acre lots and try to find the owners and this is why staff has had such extensive advertising.

Vice-Chair Densmore if someone had horses or animals on a lot that is currently legal and was changed, would they have nonconforming rights?

Mr. Gutierrez stated that if it was legally permitted, yes.

Commissioner Comer used Central Avenue across from Sierra Middle School, as an example. These lots have long deep lots and some of them have horses in the back. If someone doesn't have animals for 180 days or more they will lose their animal keeping rights. He noted that in essence the rights are being taken away from the property owners.

Mr. Gutierrez said this was correct. If the Commission believes that animal keeping should be allowed on larger lots, regardless of its location, it is an easy fix. There are arguments on either side of this issue, some people will eventually lose their nonconforming rights. The other point of view is that those areas are transitioning and there are compatibility problems with having these animals surrounded by smaller lots.

Commissioner Brown expressed his concerns regarding the other side of the coin. He referred to Overlook and Bradley, there are a lot of horses and trails there. In the transition of HR to RE, wouldn't it be better to regionalize this type of activity to give them the advantages to an exception.

Mr. Gutierrez said that this will be a call that the Commission will make. There are two areas zoned HR, one already has private CC&R's that prohibit horses. Really we are talking about one area, if you would like to keep the HR Zone for that one area, that's fine. If the Commission would like to allow animal keeping on any lot over 1 acre that is fine too but they need to understand that this applies whether it is in Orangecrest, Overlook Parkway or whether it is Downtown.

Vice-Chair Densmore said he has heard that they need to somehow make sure that people who have an existing right to a use either maintain that or certainly have the ability to come down and tell us their views. He thanked staff for the successful changes made so far based on public testimony.

Ms. Jenkins continued with the overview of Article V. She wanted to point out that the standards in the proposed Zoning Code are pretty much the same standards in the existing Zoning Code. There are some exceptions which she will mention for the Residential Zones. She stated she would only address the changes, not all of the residential standards as they exist today.

Vice-Chair Densmore commented that staff has indicated there will be more flexibility in the setbacks. He asked if there would be a list that would kick in "flexibility" or is it up to the planner? Also, what if a current or existing apartment complex doesn't have amenities, will they be ok? The proposal is meant for the future?

Ms. Jenkins replied that these are flexible standards that are written into the Code and are not subjective. They are in the Code and is not subjective. She stated that he was correct with regard to the amenities.

Vice-Chair Densmore also asked what the minimum for apartments was now. He asked if there would be instances where someone has a piece of property under an acre and wanted to develop apartments but may not be able to in the future under this proposal.

Ms. Jenkins stated that an apartment project can be on any R-3 Zone property. She stated that he was correct with regard to the apartment proposal.

Mr. Gutierrez added that there is a variance process, it is not a flat out prohibition. He reiterated that one could seek a variance to build on something under an acre.

Commissioner Comer asked if staff looked at other communities with higher levels of design and standards with regard to the garage standards.

Ms. Jenkins explained that it was across the board, there was no one that had 100% garage requirements.

Craig Aaron, Principal Planner, agreed with Ms. Jenkins but the 40% that staff proposes is basically what developers were telling staff. Staff verified this and found out that this is basically the industry standard.

Commissioner Norton asked staff whether Senior Housing would be a separate category. She asked for clarification as to whether an acre would be needed for any multi-unit development.

Ms. Jenkins responded affirmatively to both questions.

Commissioner Brown wanted it made a matter of record as a reminder to the Commission that during their deliberations, the Commission discuss in detail the equestrian situation. He stated that he was concerned about this because during the formative days of this Plan, there were lengthy discussions at the CAC.

Ms. Jenkins continued with her presentation.

Commissioner Norton inquired who would do the review of building elevations, 19.100.080. She asked if this would be a burden to the applicant.

Ms. Jenkins replied that it would be one of the plan checkers in the Planning & Building Department. They would look at it to ensure that the building elevations are compatible with the neighborhood. She agreed that it would not be an additional burden to the applicant.

She continued with the presentation and referred to the Residential Zone comparison table.

Vice-Chair Densmore questioned the status of manufactured dwellings in the R-3 Zone.

Mr. Gutierrez clarified that it is not just the manufactured home, it is any single family house, that is not permitted in the R-3 Zone. It has nothing to do with manufactured homes, the issue is that single family residences are not permitted in the R-3 Zone. The theory is that R-3 Zones are intended for high density residential development and need to be reserved for that. With that underlying theory, group homes, manufactured homes, any use that involves a single family residence is not permitted.

Commissioner Norton stated that Mr. Gutierrez had answered her question. She suggested including a footnote so that someone doesn't think that the City is discriminating against manufactured housing. This is how she interpreted this when she read it. She asked for a quick definition for a boarding house / group home, what is the difference.

Ms. Jenkins explained that a boarding house is actually rented rooms that share a common kitchen facility.

She spoke regarding the Planned Residential Developments in that currently they are prohibited in the RA-5 Zones. Under the proposed residential zones they are permitted only in the Rancho La Sierra area as shown in the new General Plan Land Use map. Also, PRD's were permitted in the R-3 Zone and now they are prohibited. They will be handled as site plan reviews rather than PRD's.

Vice-Chair Densmore spoke in anticipation to questions or comments during public testimony to clarify that the Rancho La Sierra property is under litigation at this time.

Ms. Jenkins replied affirmatively.

Commissioner Comer asked why the PRD's would be limited to that location only.

Mr. Gutierrez clarified that the Rancho La Sierra project would not be handled under a PRD necessarily, it would be handled under the Specific Plan.

Kristi Smith, Deputy City Attorney, added that PRD's are not allowed in the greenbelt, RA-5. The Rancho La Sierra property is an RA-5 property and there will not be a PRD out there, this is an incorrect comparison.

Vice-Chair Densmore requested clarification whether under Planned Residential Development, should there be an X or P on the table.

Mr. Gutierrez replied that he would like to make it clear that it should be X but that because of the Specific Plan, depending on what the Courts rule, there will be a cluster development that would comply similar to the standards of the PRD. The Specific Plan will govern that development, it will not be a PRD.

Commissioner Comer noted that since the Rancho La Sierra project is not a PRD, it is a Specific Plan and therefore it should be an "X" and the footnote 10 deleted.

Ms. Smith agreed because it is not going to be a Planned Residential Development, it will be a Specific Plan.

Commissioner Comer asked if it would be possible for someone to assemble 100 acres in the greenbelt and to do a Specific Plan.

Mr. Gutierrez replied that the RA-5 Zone stands alone you could do a Specific Plan but it would have to comply with Prop R and Measure C and therefore a PRD could not be done. He recalled that there is very specific language in the measures that deal with the Rancho La Sierra properties that allow for and required the Specific Plan. These provisions do not apply to the greenbelt.

Ms. Jenkins continued with the presentation.

Vice-Chair Densmore indicated that should the State be in negotiation for a K-12 school and the Zone changed and the City said it could not be done, would the School District have to abide by that?

Mr. Gutierrez explained that the School District does what it wants to do and does not necessarily need to abide by the City's standards, private schools would. The logic being is that the R-3 property is carefully planned and needs to be reserved for the higher density land uses to balance the City's housing needs as part of the Housing Element. If the property is used for a school it does diminish the amount of R-3 properties available. There are exceptions and the property could be rezoned to the Public Facilities and Institutions Zone.

Ms. Jenkins reviewed the Incidental Uses table. Incidental uses are those that require a permitted use first. They are in combination with a permitted use.

Vice-Chair Densmore questioned animal keeping and the restriction on aviaries. Who would check this? Is this more for the future when someone wanted to have an aviary?

Commissioner Comer gave an example of an aviary in the R-1 Zone in someone's backyard. He said that perhaps limiting the size to less than 100 sqft would be possible but the provisions eliminate any possibility.

Ms. Jenkins stated that it may be something the Planning Commission may want to consider, it is up for discussion.

Mr. Aaron stated that this was a good point, the difference in size may make a difference in the impact. What staff did was review these tables with Code Enforcement and aviaries were identified as a problem, causing conflicts with the surrounding uses.

Commissioner Norton asked if someone has an existing aviary, small size, at a senior housing facility would they need to obtain a permit or if it were existing it would be allowed.

Mr. Jenkins replied that if it were existing today it would become nonconforming.

Vice-Chair Densmore asked at what point would it become an aviary.

Mr. Aaron said that there is no specific definition and asked to allow staff to return with this issue at a future meeting.

Ms. Jenkins continued the overview of the Incidental Uses table.

Vice-Chair Densmore asked if the agricultural uses would be different. If someone had an orchard and used the private above ground tanks, had tractors, and heavy equipment, would it be allowed?

Ms. Jenkins said this was a good point and perhaps staff should consider this in the RA-5 as permitted with a Minor Condition Use Permit.

She explained the changes on the Temporary Uses table.

The Commission took a five minute break.

Vice-Chair Densmore opened the public hearing.

Javier Sanchez, 9110 Beaumont Avenue, Downey, spoke regarding the property at 10057 Cypress. This property is currently RMH and the proposed consistency plan calls it to be Semi-Rural. He asked staff to explain the difference.

Ms. Jenkins explained that this is a General Plan change that was discussed at a previous meeting. This is in the Cypress area which has the Medium High Density General Plan designation and currently has the RR - Rural Residential Zone. Staff is proposing to change their General Plan designation to match their zoning.

Jose Murguia, 7117 Dinwoody, Downey, owner of the current property at 10057 Cypress. He stated that he was opposed to this change. They are surrounded by R-3 properties. It is hard for him to understand the proposal for a Semi-Rural designation when his property faces apartment buildings on the east and north side. He distributed pictures from the various elevations.

Mr. Aaron clarified that this property is adjacent to the properties behind Gould Street. Staff had proposed to change the zoning on Gould from R-3 to R-1 and it was left R-3. Mr. Murguia's property backs up to those and forms the boundary for the semi-rural designation. This property faces the properties on the other side of Cypress which is Semi-Rural. Mr. Murguia has property that is zoned RR and the proposal is to change the General Plan to be consistent with that to preserve the semi-rural lifestyle in that area.

Commissioner Comer commented that typically when the Zoning of properties is broken it is broken at the street, not the center property line.

Mr. Gutierrez stated that there is an inconsistency today between the Zoning and the General Plan. These two gentleman want the Zoning to match the General Plan. Staff is recommending that the Zoning is appropriate and that the General Plan should be amended. Staff can return at another meeting with maps of the area for

the Commission to review. Whether the zoning should be broken at the street or behind the street at a property line is an age old debate. It is his opinion that in this case, the street does not make a good boundary. It should be at an interior property line. Otherwise what you get is a semi-rural lifestyle with horses on one side of a relatively narrow street and apartments across the street. There would be great inconsistencies along the streetscape while using the street to break two very different zoning categories.

Mr. Aaron added as the Commission may recall, the purpose of the General Plan rezoning consistency case was to eliminate the smaller lots zoned R-3. The property owner's request would be to create more R-3 zoned properties. These are the kind of properties the City has been trying to rezone R-1, to eliminate the problems with small apartments.

Ana Esparza spoke regarding 10057 Cypress Avenue. She stated that she agreed with the gentlemen before her and that it makes more sense to keep it R-3. This particular piece of land is surrounded by high density. It makes more sense to go ahead with the current General Plan. As shown in the pictures, the property if designated rural would most likely will have a horses which would be right behind apartments. She did not think it would make sense to the apartment residents.

Jean Guluck said she owns several duplexes in the area between Magnolia and 91 Freeway, west of Harrison. She stated she was strongly opposed to eliminating the R-2 Zone. She asked what the difference was between a permitted use and a conditional use.

Ms. Jenkins explained that staff's recommendation is that a duplex be a permitted use which means it would be allowed to remain as a matter of right. A conditional use is something that would require a conditional use permit in order to remain there. Staff is not proposing that the property owners go through an additional permit process.

Ms. Guluck asked if there were any examples of a permitted use being withdrawn.

Vice-Chair Densmore stated that under the current process, the Planning Department and Planning Commission have heard the recommendation and changed what was going to be grandfathered in to a use that will be permitted.

Mr. Gutierrez said that the Council regularly considers changes to the Zoning Code. The Zoning Code can be changed, there is obviously no intent at this point but it can be changed.

Ms. Guluck stated she could not see any reason the duplexes should be rezoned to R-1. Staff mentioned something about flexible side yard setbacks earlier. She questioned the requirement for 15' between the homes. She noted that if their properties are rezoned, would they be nonconforming with regard to the setbacks.

Ms. Jenkins said that staff is proposing flexible side yard setbacks standards in the R-1 Zone. One of those flexible standards would be that interior side lots could have a side yard setback down to 5' provided the two homes have at least 15' separation between one another.

Vice-Chair Densmore commented that he was hearing some confusion that he did not believe would be cleared up through this type of a dialogue. He asked that a planner take Ms. Guluck aside.

Mr. Gutierrez said that changes to the setback are not to diminish setbacks. This is a flexible tool and in effect it really only applies to new construction.

Commissioner Comer asked, suppose that a place burns down and it takes them a couple of years to rebuild, it, if the structure was a legally established duplex and now there is a new setback requirement that cannot be met, what happens?

Mr. Gutierrez pointed out that if it could not be met today, someone could not meet it tomorrow. Under staff's recommendation, a legal duplex that exists as of today in the R-2 that would then be in the R-1 Zone would be a legally permitted use. If the structure burns down it can be rebuilt. He explained that under the new Zoning Code there is a greater chance it would meet the setback standards. If for some reason it doesn't or you want to extend beyond that, it is a simple variance and could be done administratively.

Terry Frizzel had questions regarding the R-2 Zone. As listening to staff, she understood there will be no R-2 Zone therefore duplexes will not be allowed in the City of Riverside.

Mr. Gutierrez explained that under the provision, no new duplexes would be permitted, the R-2 is going away. All existing duplexes would be a permitted use in the R-1 and will always stay as a permitted use. No new duplexes will be permitted except in the R-3 Zone.

Ms. Frizzel said that the reason for her questions is that the area staff was discussing is an area that has had duplexes over the years and is close to transportation, shopping and it takes away from living in apartments. She felt that this proposal will take away from the community that is a necessity. She stated that she was confused with regard to the time limit to rebuild and the new proposed setback requirements. As Commissioner Comer stated if the setbacks do not allow this, staff has indicated that they cannot be rebuilt. She felt that if the R-2 Zone is removed, it will be taking away something that is a necessity to people as they get older and for younger families that do not want to live in an apartment complex.

Vice-Chair Densmore stated that the Commission was listening and sensed that this may need to be revisited.

Commissioner Norton requested clarification. If R-2 becomes R-1, everything is legal. If you want to build duplexes or multiple housing, it would be allowed in R-3 with a minimum requirement of one acre. If the duplex is rebuilt it can be rebuilt within a certain time frame. It probably will be easier to rebuild because the requirements for setbacks will be less in the future than they are now.

Mr. Gutierrez agreed and stated that the setback requirements would be more flexible. He wanted to make it very clear, under the proposed provision, there is no time frame to rebuild, it is a permitted use.

Brenda Breen stated she owned duplexes on California and McArthur. She was concerned regarding the R-2 Zone going away. She read in the paper where it says that the City Council has requested R-2 to be removed. She found it disturbing that this had already been decided. She didn't understand what the problem was with R-2 Zoning because it does serve a purpose.

Phil Reichelsdorf said he also owned some duplexes by the Galleria. It seems like each time he comes to these meetings the Commission says they are listening to the citizen's concerns. He has not heard anyone who owns a duplex agree to rezoning their properties to R-1. Everyone has asked that they leave it alone but it seems this is continuing on. He asked why it just couldn't be left alone.

Perry Chastain, 4105 Harrison St., pointed out that no one person has come before the Commission and agreed to this change. If there is a problem with these properties, as with other multi-family zones, then deal with those on an individual basis. He urged the Commission to reject this proposal.

Lina Sverlow, 1044 Cypress Avenue, expressed her concern regarding the properties in the R-1 Zones losing their animal keeping rights for non-domesticated animals. The City is short on property for people to have horses and have trails to ride them on that it is pathetic. In her area in La Sierra, the trail to the Hidden Valley Wildlife Preserve now contains a sidewalk so that you can't ride your horse there anymore to get to the Preserve on Mitchell. This means that people who have horses have to put them on a trailer and drive them over there.

Yolanda Garland, resident of La Sierra, understands that the Planning Commission is comprised of volunteers doing a thankless job and stated that she appreciated this. The rightful panel that should be listening to the concerns of the citizens over the proposed extreme make over of the City is the Council. She encouraged the Commission's recommendations to the Council relate the concentrated opposition to all of the proposed changes by private property owners and the business community. She encouraged the audience to log in to talkriverside.com for upcoming meetings.

Mary Humbolt, 7404 Dufferin, recently read that Anaheim and Santa Ana are considering very high rise buildings in their downtown. She felt that Riverside has always been on the edge of Los Angeles but managed to retain its uniqueness. She agreed with Commissioner Brown that the animal keeping should be preserved and encouraged. If there are troubles with aviaries perhaps other restrictions could be approved. She felt the problems are anecdotal as the residents have not been surveyed to see what kind of City they want to live in.

Commissioner Norton wanted to clear up the question that was raised on domestic animal keeping in that it is off the table and not a part of this General Plan.

Ms. Jenkins stated that at one point staff was proposing provisions in the draft Code on domestic animal keeping and RV parking. Both of these issues have been dropped from the proposed Zoning Code and they are not on the table at this time. They will come up at a later date, not a part of the General Plan Program. Staff has cards with the names and addresses of those interested in these issues and if it does come, they will be notified.

L. **ADJOURNMENT**

Vice-Chair Densmore thanked everyone for attending the meeting. The meeting was adjourned to April 21, 2005 at 6:00 pm in the Art Pick Council Chambers.